

17/01/2019  
C221Pt1

## SCHEDULE 2 TO CLAUSE 43.03 INCORPORATED PLAN OVERLAY

Shown on the planning scheme map as **IPO2**.

### CARDINIA CREEK SOUTH PRECINCT STRUCTURE PLAN

#### 1.0

17/01/2019  
C221Pt1

#### Requirement before a permit is granted

None specified.

#### 2.0

17/01/2019  
C221Pt1

#### Permits not generally in accordance with incorporated plan

A permit may be granted which is not generally in accordance with the *Cardinia Creek South Precinct Structure Plan* if the responsible authority and the Secretary to the Department of Environment, Land, Water and Planning are satisfied that the permit will not prejudice the orderly planning of the area having regard to the objectives of the *Cardinia Creek South Precinct Structure Plan*.

#### 3.0

17/01/2019  
C221Pt1

#### Conditions and requirements for permits

The requirements of the *Cardinia Creek South Precinct Structure Plan* must be included in a permit.

Any permit to subdivide land, construct a building or construct or carry out works must contain the following conditions and requirements:

##### Salvage and Translocation

The salvage and translocation of flora and fauna must be undertaken in the carrying out of works to the satisfaction of the Secretary to the Department of Environment, Land, Water and Planning.

##### Environmental Management Plans

A planning permit to subdivide land, construct a building or construct or carry out works on land shown as a conservation area in the *Cardinia Creek South Precinct Structure Plan* must include the following condition:

- Prior to certification of the plan of subdivision or the commencement of buildings or works an Environmental Management Plan for the relevant works must be approved to the satisfaction of the Secretary to the Department of Environment, Land, Water and Planning and responsible authority, unless otherwise agreed by the Secretary to the Department of Environment, Land, Water and Planning and responsible authority.

##### Protection of conservation areas and native vegetation during construction

Before the commencement of buildings or works within a conservation area shown in the *Cardinia Creek South Precinct Structure Plan*, the permit holder must erect a vegetation protection fence around any conservation area, patch of native vegetation or scattered tree identified for retention, or vegetation identified for salvage in the *Cardinia Creek South Precinct Structure Plan*. The fence must be:

- highly visible
- at least 2 metres in height
- sturdy and strong enough to withstand knocks from construction vehicles
- in place for the whole period of construction occurring within 30m of the conservation area, patch of native vegetation or scattered tree
- located at a minimum distance from the identified elements in Table 1:

Table 1

| Element                    | Distance                             |
|----------------------------|--------------------------------------|
| Conservation area          | 2 metres                             |
| Scattered tree             | 12 x DBH (Diameter at Breast Height) |
| Patch of native vegetation | 2 metres                             |

During the undertaking of buildings or works, all activities must be excluded from occurring within the protection fencing, unless otherwise agreed to by the Secretary to the Department of Environment, Land, Water and Planning.

Construction stockpiles, fill, machinery, vehicle parking, excavation and works or other activities associated with the buildings or works must be designed and constructed to ensure that the conservation area, scattered trees or patches of native vegetation identified for retention in the Precinct Structure Plan are protected from adverse impacts during construction.

#### Land Management Cooperative Agreement

A permit to subdivide land shown in the *Cardinia Creek South Precinct Structure Plan* as including a conservation area must ensure that, before the issue of a statement of compliance for the last stage of the subdivision, the owner of the land:

- Enters into an agreement with the Secretary to the Department of Environment, Land, Water and Planning under section 69 of the *Conservation Forests and Lands Act 1987*, which:
  - Must provide for the conservation and management of that part of the land shown as a conservation area in the *Cardinia Creek South Precinct Structure Plan*; and
  - May include any matter that such an agreement may contain under the Conservation Forests and Lands Act 1987.
- Makes application to the Registrar of Titles to register the agreement on the title to the land.
- Pays the reasonable costs of the Secretary to the Department of Environment, Land, Water and Planning in the preparation, execution and registration of the agreement.

The requirement for a Land Management Co-operative Agreement in this condition does not apply to land or any lot or part of a lot within a conservation area identified in the *Cardinia Creek South Precinct Structure Plan* that is:

- Identified in the *Cardinia Creek South Precinct Structure Plan* as public open space and is vested, or will be vested, in the council as a reserve for the purposes of public open space; or
- Identified in the *Cardinia Creek South Precinct Structure Plan* as a drainage reserve and is vested, or will be vested, in Melbourne Water Corporation or the council as a drainage reserve; or
- The subject of an agreement with the Secretary to the Department of Environment, Land, Water and Planning to transfer or gift that land to:
  - The Secretary to the Department of Environment, Land, Water and Planning;
  - The Minister for Environment and Climate Change; or
  - Another statutory authority.

All to the satisfaction of the Secretary to the Department of Environment, Land, Water and Planning.

**4.0**

17/01/2019  
C221Pt1

**Decision guidelines**

The following decision guidelines apply to an application for a permit under Clause 43.03 which is not generally in accordance with the incorporated plan, in addition to those specified in Clause 43.03 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- Any endorsed program report applying to the land under Part 10 of the *Environmental Protection and Biodiversity Conservation Act 1999* (Cth).
- Design measures, construction techniques and environmental controls proposed to be implemented to minimise and manage the impacts of the construction or operation of the use and development on the biodiversity and other values of the land, including any proposals for revegetation and soil stabilisation.
- Why the use of development is necessary and whether alternative options to the development that do not require removal of native vegetation, habitat or cultural heritage values have been considered.
- The consistency of the use or development with the Conservation Area Concept Plan contained in the *Cardinia Creek South Precinct Structure Plan* and any management plan for the conservation of the land applying under an agreement under section 69 of the *Conservation Forests and Lands Act 1987* or approved by a public land manager having responsibility for the care or management of the land.
- The impact of the use or development on:
  - Native vegetaion, including the amount and quality proposed to be removed.
  - Flora and fauna listed under the Flora and Fauna Guarantee Act 1988 and matter of national envionmnetal significance listed under the *Envionmental Protection and Biodiverity Conservation Act 1999* (Cth) including the amount and quality of eceological communities, habitat and number of indiviual species to be removed.
  - Other envionmental values of the land, including soil, wetlands and waterways.
- The *Cardinia Creek South Precinct Structure Plan*.

**5.0**

17/01/2019  
C221Pt1

**Preparation of the incorporated plan**

None specified.